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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/034,169 | 12/28/2001 | Tadashi Sugiyama | PW 0277031 H7618US | 1567 |

7590 11/29/2007
Phillsbury Winthrop LLP
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| EXAMINER |
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SELLERS, DANIEL R

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| ART UNIT | PAPER NUMBER |
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2615

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| MAIL DATE | DELIVERY MODE |
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11/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/034,169 | SUGIYAMA, TADASHI | |
| | Examiner | Art Unit | |
| | Daniel R. Sellers | 2615 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 9/10/07 have been fully considered but they are not persuasive. The examiner respectfully disagrees, wherein Sharp KK teaches the same functionality.
2. Sharp KK teaches a control section, wherein a table of contents (TOC) is modified when an audio file is copied, or moved, from one medium to another. Sharp KK does not allow two copies of the same audio file, and Sharp KK erases information indicating the start and end of an audio file in the TOC at the original location when the audio file is moved. Although Sharp KK does not teach an erasure state flag, the same effect is achieved. The claimed invention uses an erasure state flag to prevent access to the audio file while copying, and then erases the original file. Sharp KK prevents access to the audio file while copying by not allowing an ejection of the media (¶ 0033), which performs the same functionality as setting an erasure state flag.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 3 and 4** are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Shigemi et al. (submitted in an IDS received 12/27/05) (hereinafter Sharp KK).

5. Regarding **claim 3**, Sharp KK teaches a digital-audio-signal recording apparatus (fig. 1), comprising:

*a storage section storing digital audio data (§ 0020 and fig. 1, units 1 and 22);
a write section that writes data on a disk-shaped storage medium (§ 0021-0022 and fig. 1, units 19 and 31);
a control section that, when a write operation is to be performed by said write section for writing the digital audio data, stored on said storage section, to the disk-shaped storage medium,
first evaluates the status of an erasure state flag and if the erasure state flag is not indicative of an erased state,
sets the erasure state flag within file management information to the erased state without erasing the file management information on said storage section,
such that the digital audio data stored on said storage section cannot be retrieved by any processing operation other than said write operation,
then causes said write section to write the digital audio data to the disk-shaped storage medium, and
then erases the digital audio data from said storage section after completion of the writing of the digital audio data to the disk-shaped storage medium,
the file management information on said storage section corresponding to the written digital audio data being updated to reflect the write operation performed (§ 0032-0051 and fig. 4-6).*

6. Regarding **claim 4**, the further limitation of claim 3, see the preceding argument with respect to claim 3. Sharp KK teaches an apparatus, wherein

the control section includes a subcode detection section to extract subcode information for the disk-shaped storage medium (§ 0026-0028, teaches reading TOC information, which is subcode information).

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over Sharp KK as applied to claim 3 above, and further in view of Jung et al., USPN 6,868,463 (hereinafter Jung).

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9. Regarding **claim 5**, the further limitation of claim 3, see the preceding argument with respect to claim 3. Sharp KK teaches an apparatus, wherein

the control section further includes an AT Attachment Packet Interface (ATAPI) interface, an digital audio interface, and an analog audio interface, all of which are configured to receive and output audio data (§ 0020 and fig. 1, units 15 and 18)

Sharp KK teaches a digital to analog converter for outputting analog and an analog to digital converter for receiving analog signals, which reads on an analog interface.

However, Sharp KK does not teach or suggest either:

- an ATAPI interface; or
- a digital audio interface.

Jung teaches an apparatus to record and reproduce digital audio in a personal computer (PC) (abstract), wherein an ATAPI interface is used (fig. 4, units 40 and 304).

Secondly, Jung teaches a digital interface (fig. 4, unit 20), wherein digital audio is received (col. 3, lines 25-30). Jung does not teach that the digital interface outputs a digital stream, however it is well known at the time of the invention to one of ordinary skill to have used a digital interface for input and output of a digital audio signal. The Office takes Official Notice that the digital interface taught by Jung can be modified to receive and output digital data. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Sharp KK and Jung for the purpose of using a PC to record audio data. It may be beneficial to use a PC for a variety of reasons, including but not limited to allowing a user to use an existing device to record audio data.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel R. Sellers whose telephone number is 571-272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRS


SINH TRAN
SUPERVISORY PATENT EXAMINER